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**OFFICE OF PETITIONS**

In re Application of  
Andersen, et al.  
Application No. 09/804,980  
Filed: March 13, 2001  
Attorney Docket No. 670001-2002.4

DECISION ON PETITION

This is a decision on the petition filed March 13, 2002, pursuant to 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to properly reply to the Notice to File Missing Parts of Nonprovisional Application, mailed April 13, 2001. This Notice set a period for reply of two months from the mail date of the Notice to submit: (1) an executed oath or declaration; (2) the filing fees; (3) substitute drawings; (4) a copy of the "Sequence Listing" in computer readable form as required by 37 CFR 1.821(e), and (5) a statement that the contents of the sequence listing information recorded in computer readable format is identical to the written sequence listing. On June 13, 2001, petitioner submitted an executed declaration and the filing fees, together with the surcharge for their late filing. However, as petitioner did not submit items (3), (4), or (5) above, the application became abandoned on June 14, 2001. A Notice of Incomplete Reply was mailed on December 28, 2001. The mailing of this decision precedes the mailing of a Notice of Abandonment.

With the instant petition, petitioner submitted the required items as set forth in the Notice of Incomplete Reply, paid the petition fee, and made a statement of unintentional delay. 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3). The statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The application file is being forwarded to the Office of Initial Patent Examination for completion of pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-0272.

Cliff Congo  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy